

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Art Unit 2876

Geoffrey B. Rhoads

Confirmation No. 1643

Application No.: 10/817,456

Filed: April 2, 2004

For: METHODS AND SYSTEMS FOR
INTERACTING WITH POSTERS

Via Electronic Filing

Examiner: E. Labaze

Date: March 22, 2007

PRE-APPEAL BRIEF REQUEST FOR REVIEW

MAIL STOP AF
COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Appellant requests review of the final rejection of claims 5, 11, 18, 21, 24, 26-33, 37-40 and 44-47 in the above-identified application. No amendment is being filed with this request.

This request is being filed with a Notice of Appeal.

The review is requested for the reason(s) stated on the attached sheets. (No more than 5 pages are provided.)

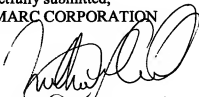
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Respectfully submitted,
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By



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PRE-APPEAL BRIEF REQUEST FOR REVIEW

REASONS FOR PRE-APPEAL BRIEF REQUEST FOR REVIEW

The Board will reverse the § 103 rejections based on Durst (20010011276), Wilska (6,427,078) and Tarbouriech (6,674,993). A few reasons for reversal are noted below.

Regarding claim 5, the Office cites teachings from the first two references, but combines them without advancing any teaching, suggestion, or motivation to do so. Instead, the Action only offers the conclusion:

In view of Wilska et al's teachings, it would have been obvious to an artisan of ordinary skilled in the art at the time the invention was made to employ into the teachings of Durst et al an appliance includes an output device, and the method includes presenting information to a user based on data obtained from said remote computer using said output device so as to outputting through the display a transmitted message via cellular mobile phone after scanning a graphic/text or barcode and transmitted from processing.

Claims 18, 21, 26-29 and 37 are also dismissed with the same conclusory language.

Likewise, regarding claim 11 (and 24, 30-33 and 44-47), the Office again cites teachings from the references, and again combines them without offering any teaching, suggestion or motivation to do so. Instead, the Action offers only the conclusion:

In view of Tarbouriech's teachings, it would have been obvious to an artisan of ordinary skilled in the art at the time the invention was made to employ into the teachings of Durst et al as modified by Wilska et al electronic content comprises a song so as to promote ticketed event for concert or movie, wherein a sample of a song could be downloaded upon scanning a barcode associated with the poster.

Prima facie obviousness is not thereby established.

Moreover, the rejected claims include limitations not addressed by the Office. Claim 28 is exemplary:

28. The method of claim 5 that includes presenting plural options from which a user can select a desired follow-up action, said plural options depending on said digital data.

None of the art teaches or suggests “presenting plural options from which a user can select a desired follow-up action, said plural options depending on said digital data,” and this omission is not addressed by the Action.

Likewise, claim 29 introduces further limitations – limitations which again are not addressed by the Office:

29. The method of claim 28 in which said options include plural of the following actions: linking to a fan web site, downloading audio to said appliance, requesting electronic content to be downloaded to a storage site distinct from said appliance, and ordering physical media on which electronic content is stored.

Again, none of the art teaches or suggests presenting options including plural of: “linking to a fan web site, downloading audio to said appliance, requesting electronic content to be downloaded to a storage site distinct from said appliance, and ordering physical media on which electronic content is stored.” Again, this omission is not explained by the Office.

Again, *prima facie* obviousness is not established.

The Board will recognize these deficiencies and reverse.

In view of such defects, appellant does not further belabor this paper with other arguments concerning the rejections, the art, and the claims – all of which are reserved for possible presentation to the Board.